

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DIVISION, GREAT LAKES AND OHIO RIVER
CORPS OF ENGINEERS

P.O. BOX 1159

CELRD-OR-HR CINCINNATI, OHIO 45201-1159

Pamphlet

No. 690-1-9

12 March 1998

Civilian Personnel
VOLUNTARY LEAVE BANK PROGRAM

Local supplementation of this pamphlet is permitted for implementation of individual commander's policies and procedures. One copy of issued supplements will be furnished to Commander, U.S. Army Engineer Division, Great Lakes and Ohio River Division, ATTN: CELRD-OR-HR, P.O. Box 1159, Cincinnati, Ohio 45201-1159.

1. Purpose. To set forth procedures for voluntary leave bank programs under which the unused accrued annual leave of one employee may be contributed to a leave bank for use by a leave bank member who needs leave because of a medical emergency.

2. Applicability. This pamphlet applies to Great Lakes and Ohio River Division activities where the local commander elects to establish a voluntary leave bank program.

3. References.

a. Title 5, U.S.C., Chapter 63, Leave.

b. 5 C.F.R., Part 630, Absence and Leave; Voluntary Leave Transfer and Voluntary Leave Bank Programs.

c. CELRDP 690-1-10, Sick Leave and Other Leave for Medical and Family Concerns, Appendix D, Voluntary Leave Transfer Program.

4. Definitions.

a. "Leave bank" means a pooled fund of annual leave established by a CELRD activity.

b. "Leave bank member" means a leave contributor who has contributed, in an open enrollment period of the current leave year (or individual enrollment period, if applicable), at least the minimum amount of annual leave established by the Code of Federal Regulations (see paragraph 7f below) or an alternative amount determined by the leave bank board under provisions of the Code of Federal Regulations. An employee may not use ~~Ause~~ or ~~lose~~ leave subject to forfeiture at the end of one leave year to make the membership donation for the following leave year.

c. "Leave bank board" means the board of three members charged with overseeing various aspects of the leave bank program at a particular participating activity.

d. "Leave contributor" means an employee who contributes annual leave to a leave bank. A contributor may or may not be a leave bank member.

e. "Leave recipient" means a leave bank member whose application to receive contributions of annual leave from a leave bank has been approved by the leave bank board.

f. "Medical emergency" means a medical condition of an employee or the employee's family member that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

g. "Family member" means the following relatives of the employee:

- (1) Spouse and his/her parents;
- (2) Children, including adopted children, and their spouses;
- (3) Parents;
- (4) Brothers and sisters, and their spouses; and

(5) An individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

12 March 1998

h. "Available paid leave" means accrued or accumulated annual or sick leave, and recredited and restored annual or sick leave. Available paid leave does not include annual or sick leave advanced to an employee, or any annual or sick leave accrued while the employee is in a shared leave status but which has not been transferred to the appropriate leave account.

i. "Paid leave status" means the administrative status of an employee while the employee is using annual or sick leave accrued or accumulated under the provisions of Title 5 U.S.C., Chapter 63, Subchapter 1 (Annual and Sick Leave).

j. "Shared leave status" means the administrative status of an employee while the employee is using transferred leave under a voluntary leave transfer program or leave transferred from a leave bank.

5. Responsibilities.

a. Each local commander will decide whether to establish a leave bank program. When the decision is made to establish such a program, the commander will appoint a leave bank board in accordance with the Code of Federal Regulations and paragraph 6 below.

b. Supervisors at activities where the local commander elects to establish a voluntary leave bank program will assure that employees under their supervision are aware of the provisions of this pamphlet. The immediate supervisor must endorse a request from a subordinate employee to become a leave recipient. This requirement reflects the supervisor's inherent right to approve when and to what extent annual leave may be taken.

c. The servicing CPAC/Human Resources Office or other office appointed by the commander will work with the leave bank board in maintaining records and completing reports required by 5 C.F.R., Section 630.1012.

6. Leave Bank Board. At each CELRD activity where a voluntary leave bank program is established, a leave bank board will be established. No more than one leave bank board may be established for each leave bank.

a. Each leave bank board will consist of three members. At least one member shall represent a labor organization or employee group.

b. Each leave bank board will perform the following functions and other functions as necessary:

(1) Establish its internal decision-making procedures;

(2) Review and approve or disapprove each application to become a leave contributor and a leave recipient under provisions of the Code of Federal Regulations;

(3) Monitor the status of each leave recipient's medical emergency;

(4) Monitor the amount of leave in the leave bank and the number of applications to become a leave recipient; and

(5) Maintain an adequate amount of annual leave in the leave bank to the greatest extent practicable in accordance with the Code of Federal Regulations.

7. Application to Become a Leave Contributor and Leave Bank Member.

a. An employee may make voluntary written application to the leave bank board to become a leave contributor. The application will specify the number of hours of annual leave to be contributed and any other information the leave bank board may reasonably require. CELRD Form 1133-R at Appendix A may be used by leave bank boards for this purpose.

b. An employee may request that annual leave be contributed to a specified bank member other than the leave contributor's immediate supervisor.

c. A leave contributor will become a leave bank member for a particular leave year if he or she submits an application meeting the requirements of this paragraph during an open enrollment period (see subparagraph "d" below) established by the leave bank board (or where applicable, during an individual enrollment period - see subparagraph "e" below). CELRD Form 1134-R at Appendix B may be used as an application to become a leave bank member.

d. The leave bank board will establish at least one open enrollment period each leave year in which the leave bank operates. An open enrollment period will last at least 30 calendar days. The leave

12 March 1998

bank board (with assistance from the servicing CPAC/Human Resources Office or other office appointed by the Commander) will take appropriate action to inform employees of each open enrollment period.

e. An employee entering the participating activity or returning from an extended absence outside an open enrollment period will have the opportunity to become a leave bank member for the leave year. Such an employee may submit an application meeting established requirements during an individual enrollment period lasting at least 30 calendar days. This individual enrollment period will begin on the date the employee enters or returns to the activity.

f. Except as provided in subparagraph "g" below, the minimum contribution required to become a leave bank member for a leave year shall be:

(1) 4 hours of annual leave for an employee who has less than 3 years of service at the time he or she submits an application to contribute annual leave;

(2) 6 hours of annual leave for an employee who has at least 3, but less than 15, years of service at the time he or she submits an application to contribute annual leave; and

(3) 8 hours of annual leave for an employee who has 15 or more years of service at the time he or she submits an application to contribute annual leave.

g. The leave bank board may:

(1) Decrease the minimum contribution required by subparagraph "f" above for the following leave year when the leave bank board determines that there is a surplus of leave in the bank;

(2) Increase the minimum contribution required by subparagraph "f" above for the following leave year when the leave bank board determines that such action is necessary to maintain an adequate balance of annual leave in the leave bank; or

(3) Eliminate the requirement for a minimum contribution under subparagraph "f" above when a leave bank member transfers within the U.S. Army Corps of Engineers to an organization covered by a different leave bank.

h. If a leave recipient does not have sufficient available accrued annual leave to his or her credit to make the full minimum contribution required by the leave bank board, he or she will be deemed to have made the minimum contribution.

i. Except as provided in paragraph 19 below, the leave bank board may not return a contribution of annual leave to a leave contributor after deposit in the leave bank.

j. A leave bank member may apply to contribute additional annual leave at any time. An employee who is not a leave bank member may apply to become a leave contributor at any time.

8. Limitations on Contribution of Annual Leave.

a. In any one leave year, a leave contributor may contribute no more than a total of one-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the contribution is made.

b. In the case of a leave contributor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year, the maximum amount of annual leave that may be contributed during the leave year shall be the lesser of:

(1) One-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the contribution is made; or

(2) The number of hours remaining in the leave year (as of the date of the contribution) for which the leave contributor is scheduled to work and receive pay.

c. The leave bank board may waive the limitations on contributing annual leave under subparagraphs "a" and "b" above. Any such waiver shall be documented in writing. Appendix C includes the criteria which will be applied in waiving these restrictions.

d. The limitations discussed here apply to the total amount of annual leave donated or contributed during the leave year under the voluntary leave transfer program and the voluntary leave bank program.

12 March 1998

9. Application to Become a Leave Recipient.

a. A leave bank member may make written application to the leave bank board to become a leave recipient. If a leave bank member is not capable of making application on his or her own behalf, a personal representative may make the application.

b. The leave bank board may require leave bank members to submit applications under this section within a prescribed period of time following the termination of a medical emergency.

c. An application by a leave bank member to become a leave recipient will be accompanied by the information, which follows concerning the potential leave recipient. CELRD Form 1135-R at Appendix D may be used for this purpose but is not required.

(1) The leave bank member's name, position title, and grade or pay level;

(2) The reasons leave is needed, including a brief description of the nature, severity, anticipated duration, and if it is a recurring one, the approximate frequency of the medical emergency affecting the leave bank member;

(3) Certification from one or more physicians; or other appropriate experts, with respect to the medical emergency, if the leave bank board so requires; and

(4) Any additional information that may be required by the leave bank board.

d. If the leave bank board requires a leave bank member to submit certification from two or more sources under subparagraph c(3) above, the employing activity will ensure, either by direct payment to the expert involved or by reimbursement, that the leave bank member is not required to pay for the expenses associated with obtaining certification from more than one source.

10. Approval of Application to Become a Leave Recipient.

a. The leave bank board will review an employee's application to become a leave recipient (under procedures the board establishes - see paragraph 6b above) for the purpose of determining whether the employee is a leave bank member who is or has been affected by a medical emergency.

12 March 1998

b. Before approving an application to become a leave recipient, the leave bank board will determine that the absence from duty without available paid leave because of the medical emergency is (or is expected to be) at least 24 hours (or, in the case of a part-time employee or an employee with an uncommon tour of duty, at least 30 percent of the average number of hours of work in the employee's biweekly scheduled tour of duty).

c. In making a determination as to whether a medical emergency is likely to result in a substantial loss of income, the leave bank board will not consider factors other than whether the absence from duty without available paid leave is (or is expected to be) at least 24 hours (or in the case of a part-time employee or an employee with an uncommon tour of duty, at least 30 percent of the average number of hours of work in the employee's biweekly scheduled tour of duty).

d. The leave bank board will notify the applicant of the action taken on the application within 10 days (excluding Saturdays, Sundays and legal public holidays) after the date the application was received, whenever possible, but in no case later than 10 work days after the leave bank board has decided that the application has been approved. If the leave bank board disapproves the application, notification will include the reasons for disapproval.

e. The leave bank board may establish written policies limiting the amount of annual leave that may be granted to a leave recipient.

11. Accrual of Annual and Sick Leave.

a. Except as otherwise provided below, while an employee is in a shared leave status, annual and sick leave accrues to the credit of the employee at the same rate as if the employee were in a paid leave status, except that:

(1) The maximum amount of annual leave that may be accrued by a leave recipient while in a shared leave status in connection with any particular medical emergency may not exceed 40 hours (or in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's weekly scheduled tour of duty); and

(2) The maximum amount of sick leave that may be accrued by a leave recipient while in a shared leave status in connection with any particular medical emergency may not exceed 40 hours (or, in the case of a part-time

employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's weekly scheduled tour of duty).

b. Any annual or sick leave accrued by a leave recipient while using annual leave withdrawn from a leave bank:

(1) Will be credited to an annual or sick leave account, as appropriate, separate from any regular leave account of the employee.

(2) Will not become available for use by the leave recipient and may not otherwise be taken into account until, under subparagraph "c" below, it is transferred to the appropriate leave account of the employee.

c. Any annual or sick leave accrued by an employee under this section will be transferred to the appropriate leave account of the employee, and will become available for use:

(1) As of the beginning of the first pay period beginning on or after the date on which the employee's medical emergency terminates; or

(2) If the employee's medical emergency has not yet terminated, once the employee has exhausted all leave made available to him or her under the voluntary leave bank program.

d. If the leave recipient's medical emergency terminates because the leave recipient's Federal service terminates (see paragraph 13a(1) below), no leave will be credited to the employee under this paragraph.

12. Use of Annual Leave Withdrawn from a Leave Bank.

a. A leave recipient may use annual leave withdrawn from a leave bank only for the purpose of a medical emergency for which the leave recipient was approved.

b. Except as provided in paragraph 11 above, during each biweekly pay period a leave recipient is affected by a medical emergency, he or she will use any accrued annual leave (and sick leave, if applicable) before using annual leave withdrawn from a leave bank.

c. The approval and use of annual leave withdrawn from a leave bank is subject to all conditions and requirements imposed for the approval and use of annual leave, except that annual leave withdrawn from a leave bank

12 March 1998

may accumulate without regard to the limitation normally imposed on accrual and carry over of annual leave.

d. Annual leave withdrawn from a leave bank may be substituted retroactively for any period of leave without pay, or used to liquidate an indebtedness for any period of advanced leave, which began on or after the date fixed by the leave bank board as the beginning of the medical emergency.

e. Annual leave withdrawn from a leave bank may not be included in a lump sum payment or made available for reaccrue upon reemployment by a Federal agency.

13. Termination of Medical Emergency.

a. The medical emergency affecting a leave recipient terminates:

(1) When the leave recipient's Federal service terminates;

(2) When the leave recipient leaves the Corps of Engineers or the participating district/regional office, if the leave bank board so determines;

(3) At the end of the biweekly pay period in which the leave bank board receives written notice from the leave recipient or from a leave recipient's personal representative that the leave recipient is no longer affected by a medical emergency;

(4) At the end of the biweekly pay period in which the leave bank board determines, after written notice and opportunity for the leave recipient (or, if appropriate, the leave recipient's personal representative) to answer orally or in writing, that the leave recipient is no longer affected by a medical emergency; or

(5) At the end of the biweekly pay period in which the agency receives notice that the Office of Personnel Management has approved an application for disability retirement for the leave recipient under the Civil Service Retirement System or the Federal Employees Retirement System.

b. The leave bank board will ensure that annual leave withdrawn from the leave bank and not used before the termination of a leave recipient's medical emergency will be returned to the leave bank.

12 March 1998

c. The leave bank board may deem a medical emergency to continue for the purpose of providing a leave recipient an adequate period of time within which to receive contributions of annual leave.

d. If a leave recipient elects to buy back annual leave as a result of a claim for an employment-related injury approved by the Office of Workers' Compensation Programs, the amount of annual leave withdrawn from the leave bank that is bought back by the leave recipient will be restored to the leave bank.

14. Prohibition on Coercion.

An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right the employee may have with respect to contributing, withdrawing, or using annual leave under the voluntary leave bank program. This prohibition includes promising to confer or conferring any benefit (such as an appointment or promotion or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

15. Participation in the Voluntary Leave Transfer Program and the Voluntary Leave Bank Program.

a. If a district/regional office establishes a voluntary leave bank program, an employee who participates in the leave bank may also participate in a voluntary leave transfer program.

(1) Except as provided in subparagraphs "b" and "c" below, any annual leave previously transferred to an employee under the voluntary leave transfer program will remain to the credit of an employee who later becomes a leave recipient in a leave bank and will become subject to the district's/regional office's policies and procedures for administering the voluntary leave bank program.

(2) Procedures for the use of donated or transferred leave by a leave recipient who receives leave under both a voluntary leave transfer program and a voluntary leave bank program for the same medical emergency are at Appendix E.

b. Upon termination of a leave recipient's medical emergency, any annual leave previously transferred under the voluntary leave transfer program and remaining to the credit of a leave recipient will be restored as provided in CELRDP 690-1-10, Sick Leave and Other Leave for Medical and Family Concerns, Appendix D, Voluntary Leave Transfer Program.

c. Transferred annual leave restored to the account of a leave donor under subparagraph b above is subject to the limitation imposed at the end of the leave year in which the annual leave is restored.

16. Movement between Voluntary Leave Bank Programs. If an employee moves between an organization operating one leave bank to an organization operating a different leave bank, the following procedures apply:

a. On the date of the employee's move, he or she will become subject to the policies and procedures of the voluntary leave bank program of the new organization; and

b. Nothing in paragraph 13a(2) or 13b above will interfere with the employee's right to submit an application to become a leave contributor or leave recipient in accordance with the policies and procedures of the voluntary leave bank program of the new organization.

17. Movement between Voluntary Leave Transfer and Leave Bank Programs. If an employee moves between an organization covered by a voluntary leave bank program and an organization covered by a voluntary leave transfer program, the following procedures apply:

a. On the date of the employee's move, s/he becomes subject to the policies and procedures of the voluntary leave transfer and voluntary leave bank program (if applicable) of the new organization.

b. Nothing in paragraph 13a(2) or 13b above will interfere with the employee's right to submit an application to become a leave donor (or leave contributor, if applicable) or leave recipient under the voluntary leave transfer or voluntary leave bank program (if applicable) of the new organization.

18. Restrictions on Leave Bank Leave: Annual leave may not be borrowed, contributed, or otherwise transferred between leave banks.

19. Termination of Voluntary Leave Bank Program.

a. A district/regional office may terminate a leave bank program only after it gives at least 30 calendar days advance written notice to current leave bank members.

12 March 1998

b. If a district/regional office terminates a voluntary leave bank program before the termination of the medical emergency affecting a leave bank recipient, annual leave transferred to a leave bank recipient will remain available for use under the voluntary leave transfer program.

c. A district/regional office that terminates a voluntary leave bank program will make provisions for the timely and equitable distribution of any leave remaining in the leave bank. The district/regional office may allocate the leave to current leave recipients, recredit the leave to the accounts of voluntary leave bank members, or a combination of both. The district/ regional office may distribute the leave immediately or may delay the distribution, in whole or in part, until the beginning of the following leave year.

FOR THE COMMANDER:

/S/

5 Appendices

APP A--Application to Become a
Leave Contributor

APP B--Application to Become a
Leave Bank Member

APP C--Criteria for Waiving the
Limitation on Annual
Leave Donation

APP D--Application to Become a
Leave Recipient

APP E--Procedures for Use of
Donated Leave Under Both
the Leave Transfer and
Leave Bank Programs

THOMAS C. SUERMANN

Colonel, Corps of Engineers

Deputy Commander

DISTRIBUTION:

B

CELRD-OR Directors and Office Chiefs

CELRD-GL Directors and Office Chiefs

CELRD-GL-DD

CELRD-IM-S (5 cys)